

Update: Traffic Benchbook— Third Edition, Volume 3

CHAPTER 2

Procedures in Drunk Driving and DWLS Cases

2.6 Arraignment/Pretrial Procedures

F. Discovery

1. Mandatory Discovery

Insert the following text after the first full paragraph on page 65:

A videotape of the booking procedures in a drunk driving or DWLS case is not a subject of mandatory discovery under MCR 6.201. Therefore, absent a showing of good cause, a defendant is not entitled to this evidence. *People v Greenfield*, ___ Mich App ___ (2006).

In *Greenfield*, the district court ordered the prosecution to turn over to the defendant a videotape of the defendant during booking, which included the administration of Datamaster breath tests. The tape requested by the defendant had been erased and was no longer available. When the prosecution failed to produce the videotape, the district court barred it from introducing the test results. *Id.* at ___. The Court of Appeals reversed, finding that the videotape is not subject to mandatory discovery under MCR 6.201, and that the defendant had failed to show good cause for discovery of the tape under MCR 6.201(I). *Greenfield, supra* at ___.